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criminalize the act of betting with or for private winnings. Thus, the individual's right to access iMEGA's represented interests is a constitutionally protected activity which cannot be infringed by the UIGEA.

Additionally, there is precedent under the *In Re MasterCard* litigation, *supra,* holding that transmittal of Internet gambling funds through the use of internet payment system instruments is not an illegal act. Further, the UIGEA itself is so inconsistent in striking across individual state regulation, sovereign Tribal licensing and sovereign international control of Internet gambling is as to make the UIGEA violative of First Amendment rights. This inconsistency is nowhere more apparent than New Jersey, which permits the transfer of funds by payment system instrument by computer for the purpose of gambling, without reference to the location of the bet or wager.

For all these reasons, Plaintiff submits, it is likely to prevail on the merits of this constitutional challenge to First Amendment rights, and the government by the terms of well established law cannot demonstrate that the UIGEA presents the least restrictive means to regulate Internet gambling.

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Respectfully Submitted,
Eric M. Bernstein & Associates, L.L.C.
Attorneys for Plaintiff

By: ______________________________
Eric M. Bernstein, Esquire
For the Law Firm

Philip G. George, Esquire
(PGG8129)
On the Brief

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